

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOINT STOCK COMPANY "CHANNEL  
ONE RUSSIA WORLDWIDE," et al.,

Plaintiffs,

-against-

INFORMIR LLC, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/27/21

16-CV-1318 (GBD) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

By letter-motion dated December 20, 2021 (Dkt. No. 963), refiled on December 24, 2021 (Dkt. No. 964), defendant SK Management of New York (SKM) seeks relief from this Court's Order dated December 6, 2021 (Dkt. No. 962), which advised SKM that the last six pages of its refiled and improperly expanded summary judgment opposition brief (Dkt. No. 958) were deemed stricken and would be disregarded by the Court. SKM's pending letter-motion is addressed to Judge Daniels *and* Judge Moses, and states that is made pursuant to Fed. R. Civ. P. 72 *and* Fed. R. Civ. P. 60.

SKM must specify no later than **December 29, 2021** – in writing, but without argument – whether it is requesting judicial relief:

- a) from the presiding district judge pursuant to Rule 72(a) (which provides that after a magistrate judge issues a decision on a non-dispositive pretrial matter, "[a] party may serve and file objections to the order within 14 days," and the district judge must "modify or set aside any part of the order that is clearly erroneous or contrary to law"); or
- b) from the undersigned magistrate judge pursuant to Rule 60, in which case the motion is in substance one for reconsideration, governed in this district by Local Civ. R. 6.3 (which requires the moving party to "set[] forth concisely the matters or

controlling decisions which counsel believes the Court has overlooked"). *See also Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995) ("Reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked – matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.").

SKM cannot seek relief from two judges, under two standards, at the same time. *See Joint Stock Co. "Channel One Russia Worldwide" v. Infomir LLC*, 2020 WL 1480465, at \*3 (S.D.N.Y. Mar. 26, 2020) (setting out the appropriate standard of review when a party first seeks reconsideration from the magistrate judge of a non-dispositive order by that magistrate judge and then files objections to the order denying reconsideration).

If SKM fails to clarify the relief sought, the undersigned magistrate judge will construe the motion as one for reconsideration pursuant to Local Civ. R. 6.3.

Plaintiffs may respond to SKM's letter-motion on or before **January 4, 2022**.

Dated: New York, New York  
December 27, 2021

**SO ORDERED.**



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**BARBARA MOSES**  
**UNITED STATES MAGISTRATE JUDGE**